

March 17, 1977

LB 38, 303, 480

CLERK: Mr. President, Senator Venditte asked to print amendments in the Journal to LB 38. (Refer to page 910). Read LB 363. There are no committee amendments or other amendments pending.

SENATOR WARNER: Mr. President, I move that LB 363 be advanced. This is a bill which corrects or amends an additional statute that should have been amended by LB 125 of 1975 session. The existing law at that time required a vote for a county to dispose of any property that had a value of over \$3,000. LB 125 repealed that requirement and in place of it, and this is the law now, there must be at least a two week notice, then a public hearing, a sale date set which is at least two months away, and then bids are received. The bids cannot be less than what the approved value of it is. Time that bill has been enacted, two sections of law were repealed or revised, a third section however was apparently inadvertently not repealed. There was a 1976 Attorney General's opinion in the middle of the summer indicating that the \$3,000 limitation in the section that is being amended here also had to be met for an election. In addition to the public hearing, that opinion was reaffirmed in November of 1976. What the bill does now if you look at it, the new language on page 2 and on the top of page 3 is repeat of the language that exists in 23-118 which the whole section is repealed except this part by having it placed back in. The stricken language is that relative to the requirement of the election which is adequately covered with the procedure that I have already outlined and it would permit the effective use of the act that was enacted in 1975. It does apply to all counties in the state and in addition it has the obvious advantage where a county has property that they no longer have a use for. It enables them to get it back on the tax rolls and get it sold. It's a corrective measure from the bill that really what the Legislature obviously intended in 1975. I move that the bill be advanced.

PRESIDENT: Any discussion? The question is the advancement of LB 363. Record your vote. Please vote. Record.

CLERK: 25 ayes, 0 nays on motion to advance.

PRESIDENT: 363 is advanced. The next one is a mistake on your consent calendar. We go to 480.

CLERK: Read LB 480. There are no committee amendments or other amendments pending.

PRESIDENT: Are you still handling this Senator?

SENATOR MOYLAN: I guess I am. Mr. President and members of the Legislature. 480 was a request from the Department of Public Health and Welfare. It pertains to the qualifications of eligibility for assistance to the age, blind, and disabled. There has to be a bona fide resident of the state to get welfare from the state. This will be retained in LB 480, however, an exception will be added providing that residents of another state who come to Nebraska solely for the purpose of receiving care in a nursing home shall not be deemed to be bona fide residents of this state while such care is being provided. As Mr. Ehrlich explained in the hearing, Nebraska has a surplus of beds in the nursing